

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION

MDL 2804  
Case No. 1:17-md-2804

*This Document Relates to:  
All Cases*

Hon. Dan Aaron Polster

**PLAINTIFFS' EXECUTIVE COMMITTEE'S AMENDED CROSS-NOTICE  
OF REMOTE DEPOSITION AND NON-RETAINED EXPERT WITNESS  
DISCLOSURE OF DR. RAHUL GUPTA**

**PLEASE TAKE NOTICE** that pursuant to the applicable Federal Rules of Civil Procedure, the Plaintiffs' Executive Committee on behalf of all MDL Plaintiffs with cases pending in the MDL will take the remote oral deposition of Rahul Gupta, M.D.

The deposition of Rahul Gupta, M.D., will take place remotely, upon oral examination and/or by videotape, before an official reporter authorized by law to take depositions, on **September 17, 2021 at 9:00 a.m. (ET) via Remote Technology (Zoom) and, if necessary, continuing on September 18, 2021, at 9:00 a.m. (ET).**

**PLEASE TAKE FURTHER NOTICE** that Plaintiffs reserve the right to conduct this deposition utilizing **video teleconferencing/teleconferencing** services. Plaintiff will provide, via Zoom, remote access for all parties wishing to participate via video conference or telephone. Also note that the court reporter and videographer will be appearing via **video conferencing/teleconferencing** and will not be in the presence of the deponent. A stipulation will be made on the stenographic record by all parties that the witness is to be sworn in remotely by the reporter. You are invited to attend and participate in this deposition.

**PLEASE TAKE FURTHER NOTICE** that pursuant to Federal Rule of Civil Procedure 26(a)(2)(C) Plaintiffs intend to utilize Dr. Gupta as both a fact and non-retained expert witness at

the trial of the above captioned Civil Actions. While no Scheduling Order has been entered in these cases requiring the disclosure of expert witnesses, Plaintiffs expect Dr. Gupta's testimony to be consistent with his prior disclosure, his report dated August 25, 2021 (attached as Exhibit A), his prior deposition testimony and trial testimony in *City of Huntington v. AmerisourceBergen Drug Corporation, et al.*, Civil Action No. 3:17-cv-01362 (WVSD), and *Cabell County Commission v. AmerisourceBergen Drug Corporation, et al.*, Consolidated Case No. 3:17-cv-01665 (WVSD).

Plaintiffs reserve the right to supplement or add to Dr. Gupta's disclosure and/or his opinions.

Dated: September 3, 2021

Respectfully submitted,

/s/ Paul T. Farrell, Jr.

Paul T. Farrell, Jr.

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### **CERTIFICATE OF SERVICE**

I certify that on September 3, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ Paul T. Farrell, Jr.

Paul T. Farrell, Jr.